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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,934	01/11/2001	Dan Pharo		9611

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/758,934	Applicant(s) PHARO ET AL.	
	Examiner Yaritza Guadalupe McCall	Art Unit 2859	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

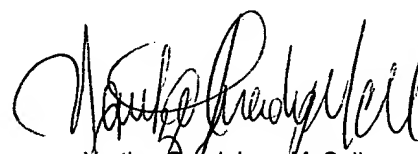
The Appeal Brief filed on 01 February 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


 Yaritza Guadalupe McCall
 Primary Examiner

Continuation Sheet (PTOL-462)

For Item 6 on form 462:

The MPEP requires that any claim argued separately should be placed under a subheading identifying the claim by number. Therefore, it appears that the claims separately addressed in the arguments need to be identified by claim number in every instance.

For Item 10 in form 462:

a. The Table of Contents, under Section VIII, appears to be inconsistent with the listing of claims. For example, Section VIII (K) of the Table of Contents states "Claims 15 – 20, 24 and 26 Dealing with Mat Construction are not obvious". It is noted that claims 19 and 20 are cancelled, and therefore, no pending rejection is on record for these claims. Appropriate correction is requested in correcting the Table of Contents and removing any Arguments on Appeal pertaining claims 19 and 20.

b. Similarly, the Table of Contents fails to address any arguments with respect to claim 21, which is an independent claim on record and still pending. Appropriate correction is requested in correcting the Table of Contents to include claim 21 and addressing any Arguments on Appeal with respect to claim 21.

c. Under Appendix C, document C-4 is not signed and appears to be a duplicate copy. Appropriate correction is required.

d. Upon revision of Appendix C and prosecution of the present application, it is noted that the documents C-5 through C-14 submitted by Applicant in the Brief, i.e., photographs and newspapers reports; weren't previously submitted or considered by the Examiner, and made of record. Therefore, copies of any evidence submitted after appeal is unentered and not permitted in the brief (See 37 CFR 41.33). Appropriate correction is required.